

REMARKS/ARGUMENT

Claims 1 to 13 are pending in this case. Claims 3 - 6 and 10 - 13 have been indicated as allowable if rewritten in independent form including all limitations of the base and any intervening claims. Claims 1, 7 and 8 have been rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,084,951 to Smith et al., in view of U.S. Patent No. 6,463,297 to Lee et al., and further in view of U.S. Patent No. 6,643,276 to Jonsson. Claims 2 and 9 have been rejected under § 103(a) over Smith et al., in view of Lee et al., further in view of Jonsson, and further in view of U.S. Patent No. 5,905,958 to Houde. By this Response, applicant has amended claims 1, 8, 9, and 12. Applicant respectfully traverses the above rejections and requests reconsideration of the subject patent application in view of the above amendments and the following remarks.

In paragraph 1 of the Office Action, claims 3 - 6 and 10 - 13 were objected to for informalities but were maintained as allowable if rewritten in independent form including all limitations of the base and any intervening claims. Applicant thanks the Examiner for kindly maintaining the allowability of claims 3 - 6 and 10 - 13, but defers rewriting these claims until final resolution of the rejected claims.

In paragraph 2 of the Office Action, claims 1, 7 and 8 have been rejected under § 103 over Smith, in view of Lee, and further in view of Jonsson. Applicant respectfully traverses the above rejection for at least the following reasons.

Independent claim 1 requires "a timer for measuring a time period from a time instant of receiving the call." Applicant respectfully disagrees with the Office Action that Smith discloses the above claim feature.

Smith teaches, separately, using "timers" and "transmitting USSD [Unstructured Supplementary Service Data] with respect to the timing of a call." At the portion of Smith mentioning the term "timers" (*i.e.*, column 5, line 60), Smith generally states that its feature processor has "timers." Smith however does not

teach or suggest that the timers are used “*for measuring a time period from a time instant of receiving the call*” as required in claim 1.

Separately, in column 11, line 15, Smith teaches two possible times for transmitting USSD “*with respect to the timing of a call.*” Smith again does not show “*measuring a time period from a time instant of receiving the call*” as required in independent claim 1. Rather, Smith teaches to use the moment of the call as a reference point to trigger the USSD transmission. Indeed, Smith teaches that USSD “*may be transmitted either shortly after the CLID information transfer but before user pick up, or after the completion of the call.*” Such USSD transmission can be accomplished without using a timer and without “*measuring a time period from a time instant of receiving the call.*”

Because neither Smith nor the other cited references disclose the above feature as required in claim 1, the present invention as recited in independent claim 1 is not obvious over the cited references.

Independent claim 1 also requires “*a memory for storing ... a predetermined time period ... which correspond[s] to a predetermined telephone number.*” The Office Action admitted that “*Smith fails to teach ‘a memory storing.... a predetermined time period.....correspond[s] to a predetermined telephone number.’*” The Office Action then cited Jonsson to remedy the above deficiency of Smith. Jonsson however does not disclose the above feature required by claim 1.

Jonsson discloses to define a number of user behaviors which are allowable in response to a particular call request in order to control the user’s access to the mobile terminal. At the portion of Jonsson cited in the Office Action (*i.e.*, column 4, lines 12 -19), allowable behaviors are disclosed to include “*particular numbers that may be called or the number of calls which may be made during a set time period.*” The “*set time period*” in Jonsson corresponds to the number of calls that may be made, rather than to a predetermined telephone number as required in independent claim 1.

Because neither Jonsson nor other cited references disclose the above claim feature as required in claim 1, the present invention as recited in independent claim 1 is not obvious over the cited references.

Independent claim 8 recites, at least, "*measuring a time period from receiving the call to cutting off the call*" and "*displaying the predetermined message on a display device of the wireless telephone device when the measured time period agrees with the predetermined time period*." The Office Action does not show that the cited references teach and, the cited references are silent with respect to, the above features recited in independent claim 8. Therefore, applicant respectfully submits that the present invention as recited in independent claim 8 is not obvious over the cited references.

Additionally, applicant respectfully submits that the Office Action does not show that the prior art provides suggestion or motivation to combine the cited references. The fact that the cited references can be combined or modified is not sufficient establish *prima facie* obviousness. MPEP § 2143.01. Therefore, the claimed invention is not obvious over Smith, Lee, and Jonsson.

In view of the above, claims 1, 7, and 8 are believed to be allowable over Smith, Lee, and Jonsson. Accordingly, the subject rejection is believed to be overcome.

In paragraph 4 of the Office Action, claims 2 and 9 have been rejected under § 103 over Smith, Lee, Jonsson, and Houde. In response, applicant submits that claims 2 and 9 depend from claims 1 and 8, respectively, and thus are believed to be allowable for at least the same reasons claims 1 and 8 are allowable. Accordingly, the subject rejection is believed to be overcome.

Applicant has shown that all pending claims 1 to 13 are allowable over the cited art and hereby respectfully requests that the rejections and objection of the pending claims be withdrawn. Each of the presently pending claims 1 to 13 in this

application is believed to be in immediate condition for allowance and such action is earnestly solicited.

No fee is believed to be due for this Amendment. Should any fees be required, please charge such fees to Deposit Account No. 50-2215.

Respectfully submitted,

Dated: December 29, 2005

By Hua Gao (40,414)
Hua Gao Reg. No. 40,414
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
1177 Avenue of the Americas
New York, New York 10036-2714
Tel: (212) 835-1400